Subpart D—Container Labels and Other Forms of Warning

§ 47.31 Requirement for container labels.

(a) The operator must ensure that each container of a hazardous chemical has a label. If a container is tagged or marked with the appropriate information, it is labeled.

(1) The operator must replace a container label immediately if it is missing or if the hazard information on the label is unreadable.

(2) The operator must not remove or deface existing labels on containers of hazardous chemicals.

(b) For each hazardous chemical produced at the mine, the operator must prepare a container label and update this label with any significant new information about the chemical's hazards within 3 months of becoming aware of this information.

(c) For each hazardous chemical brought to the mine, the operator must replace an outdated label when a revised label is received from the chemical's manufacturer or supplier.

(d) The operator is not responsible for an inaccurate label obtained from the chemical's manufacturer or supplier.

§ 47.32 Label contents.

If an operator must make a label, the label must—

(a) Be prominently displayed, legible, accurate, and in English;

(b) Display appropriate hazard warnings; and

(c) Use a chemical identity that permits cross-referencing between the list of hazardous chemicals, a chemical's label, and its MSDS.

§ 47.33 Label alternatives.

The operator may use signs, placards, process sheets, batch tickets, operating procedures, or other label alternatives for individual, stationary process containers, provided that the alternative—

(a) Identifies the container to which it applies,

(b) Communicates the same information as required on the label, and

(c) Is readily accessible throughout each work shift to miners in the work area.

§ 47.34 Temporary, portable containers.

The operator does not have to label a temporary, portable container into which a hazardous chemical is transferred from a labeled container provided that—

(a) The operator ensures that the miner using the portable container knows the identity of the chemical, its hazards, and any protective measures needed; and

(b) The portable container is left empty at the end of the shift.

Subpart E—Material Safety Data Sheet (MSDS)

§ 47.41 Requirement for an MSDS.

(a) The operator must have an MSDS for each hazardous chemical before using it. The MSDS may be in any medium, such as paper or electronic, that does not restrict access.

(b) For each hazardous chemical produced at the mine, the operator must prepare an MSDS and update this MSDS with significant new information about the chemical's hazards or protective measures within 3 months of becoming aware of this information.

(c) For each hazardous chemical brought to the mine, the operator must replace an outdated MSDS when a revised MSDS is received from the chemical's manufacturer or supplier.

(d) Operators may choose to rely on the MSDS received from the chemical manufacturer or supplier. Alternatively, operators may develop their own MSDS or they may obtain one from another source. The operator is not responsible for an inaccurate MSDS obtained from the chemical's manufacturer or supplier.

§ 47.42 MSDS contents.

If an operator must prepare an MSDS, the MSDS must—

(a) Be legible, accurate, and in English;

(b) Use a chemical identity that permits cross-referencing between the list of hazardous chemicals, the chemical's label, and its MSDS; and

(c) Contain information, or indicate if no information is available, for the

categories listed in Table 47.42 as follows:

TABLE 47.42.—CONTENTS OF MSDS

Category	Requirements, descriptions, and exceptions
(1) Identity	The identity of the chemical or, if the chemical is a mixture, the identities of all hazardous ingredients. See § 47.11 (identifying hazardous chemicals).
(2) Properties	The physical and chemical characteristics of the chemical such as vapor pressure and solubility in water.
(3) Physical hazards	The physical hazards of the chemical including the potential for fire, explosion, and reactivity.
(4) Health hazarads	The health hazards of the chemical including— (i) Signs and symptoms of exposure; (ii) Any medical conditions which are generally recognized as being aggravated by exposure to the chemical; and (iii) The primary routes of entry for the chemical, such as lungs, stomach, or skin.
(5) Exposure limits	For the chemical, or for the ingredients of the mixture— (i) The MSHA permissible limit, if there is one, and (ii) Any other exposure limit recommended by the preparer of the MSDS.
(6) Carcinogenicity	Whether the chemical or an ingredient in the mixture is a carcinogen or potential carcinogen. See the sources specified in § 47.11 (identifying hazardous chemicals).
(7) Safe use	Precautions for safe handling and use including— (i) Appropriate hygienic practices, (ii) Protective measures during repair and maintenance of contaminated equipment, and (iii) Procedures for clean-up of spills and leaks.
(8) Control measures	Generally applicable control measures such as engineering controls, work practices, and personal protective equipment.
(9) Emergency information	(i) Emergency medical and first-aid procedures, and (ii) The name and telephone number of a person who can provide additional information on the hazardous chemical and appropriate emergency procedures.
(10) Date prepared	The date the MSDS was prepared or last changed.

§ 47.43 MSDS for hazardous waste.

(a) If an MSDS is not available for hazardous waste and the operator is unable to obtain or develop one, the operator must provide each potentially exposed miner with the information specified in Table 47.42 for the hazardous waste to the extent that it is available.

(b) If the mine produces or uses hazardous waste, the operator must provide each exposed miner and designated representative with access to any HazCom material which—

(1) Identifies its hazardous chemical components,

(2) Describes its physical or health hazards, or

(3) Specifies appropriate protective measures.

§ 47.44 Access to an MSDS.

The operator must provide miners with access during each work shift to the MSDS for each hazardous chemical to which they may be exposed either—

(a) At each work area where the hazardous chemical is produced or used, or

(b) At a central location, provided that a miner can readily access it in an emergency.

§ 47.45 Retaining an MSDS.

The operator must—